

REMARKS

Please enter and consider the following response. Claims 1-13 are pending in the application. In view of the following remarks reconsideration and allowance of the presently pending claims is respectfully requested.

Response to 35 U.S.C. § 103 Rejection – Claims 1, 2, 6-11 and 13**A. Statement of the Rejection**

Claims 1, 2, 6-11 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 3,555,335 to *Johnson* in view of U.S. Patent No. 6,417,019 to *Mueller*.

B. Discussion of the Rejection

Applicant respectfully traverses the rejection of claims 1, 2, 6-11 and 13 under 35 U.S.C. § 103(a) over the combination of *Johnson* and *Mueller* for at least the reason that the proposed combination is improper and therefore, fails to disclose, teach, or suggest each element in the claims. For a proper rejection under 35 U.S.C. § 103(a), a combination of references must expressly or impliedly suggest all of the features of the claimed invention, *i.e.*, all of the features cited in the claims at issue. *In re Gorman*, 933 F.2d 982, 18 USPQ 1885 (Fed. Cir. 1991). Hindsight reconstruction is impermissible. *See, e.g., Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991). For a claim to be properly rejected under 35 U.S.C. § 103, “[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (Citations omitted).

Further, “[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed Cir. 1992).

Applicant submits herewith a declaration of Kee Yean Ng under 37 C.F.R. §1.131, evidencing a conception date and a constructive reduction to practice of the above-identified application prior to April 4, 2001, which is the filing date of U.S. Patent No. 6,417,019 to *Mueller*.

Accordingly, Applicant respectfully submits that the proposed combination is

improper and therefore fails to disclose, teach, or suggest each element in the claims. Consequently, Applicant respectfully submits that claim 1 is allowable over the proposed combination and requests that the rejection of claim 1 be withdrawn.

Because independent claim 1 is allowable, dependent claims 2, 6-11 and 13, which depend either directly or indirectly from allowable independent claim 1, are also allowable. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 6-11 and 13 be withdrawn.

Response to 35 U.S.C. § 103 Rejection – Claims 3-5 and 12

A. Statement of the Rejection

Claims 3-5 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Johnson* in view *Mueller* and further in view of Japanese Patent No. JP 62-235787 to Sasaki (hereafter *Sasaki*).

B. Discussion of the Rejection

Applicant respectfully traverses the rejection of claims 3-5 and 12 under 35 U.S.C. § 103(a) over the combination of *Johnson*, *Mueller* and *Sasaki* for at least the reason that the proposed combination is improper and therefore, fails to disclose, teach, or suggest each element in the claims.

Applicant submits herewith a declaration of Kee Yean Ng under 37 C.F.R. §1.131, evidencing a conception date and a constructive reduction to practice of the above-identified application prior to April 4, 2001, which is the filing date of U.S. Patent No. 6,417,019 to *Mueller*.

Accordingly, Applicant respectfully submits that the proposed combination is improper and therefore fails to disclose, teach, or suggest each element in the claims. Consequently, Applicant respectfully submits that claim 1 is allowable over the proposed combination. Because independent claim 1 is allowable, dependent claims 3-5 and 12, which depend either directly or indirectly from allowable independent claim 1, are also allowable. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection of claims 3-5 and 12 be withdrawn.

CONCLUSION

In summary, Applicant respectfully requests that all outstanding claim rejections be withdrawn. Applicant respectfully submits that presently pending claims 1-13 are allowable and that the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comment regarding the Applicant's response or believe that a teleconference would expedite prosecution of the pending claims, Applicant requests that the Examiner telephone Applicant's undersigned attorney.

Respectfully submitted,

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